Mass. 500. The principal case points out that where the plaintiff is not responsible the more exact statement of the measure of damages is the collectible value of the claim. The result of the principal case is therefore correct, but a bill in equity to compel the defendant to indemnify the plaintiff against the debt would have reached the desirable result in a more satisfactory manner. *Wolmerhausen* v. *Gullick*, [1893] 2 Ch. 514.

SURETYSHIP — SUCCESSIVE TERMS OF OFFICE — LIABILITY OF SURETIES FOR SECOND TERM. — A school treasurer for two successive terms executed a new bond, with new sureties, for each term. In an action against the sureties on the second bond, for a defalcation appearing at the end of the second term, *held*, that *prima facie*, in case of such default, the sureties for the last bond are liable, and the burden is on them to show that the defalcation occurred during a prior term. *Board of Education* v. *Robinson*, 84 N. W. Rep. 105 (Minn.).

In accord with the principal case are several cases in which it is said that it will be presumed that the default did not occur in a former term. *Kelly* v. *State*, 25 Ohio St. 567; *Kagay* v. *Trustees*, 68 Ill. 75. There seems to be no reason for such a presumption, and it is not always made, for where there were no sureties for the second term a presumption has been made that the defalcation occurred during the first term, *Trustees* v. *Smith*, 88 Ill. 181. Again, in the absence of proof as to when the default took place, several groups of sureties have been held equally liable. *Phipsburg* v. *Dickinson*, 78 Me. 457. Clearly these cases cannot be supported on any theory of presumptions. The surety on a bond, however, is always liable unless he can show that the condition on which it was to be void has been performed. *Machiasport* v. *Small*, 77 Me. 109. In all these cases, therefore, the defendants were properly held, since they failed to show the absence of default during their respective terms.

TORTS — DECEIT — DAMAGES. — *Held*, that the measure of damages in an action for deceit is the difference between the real value of the property at the date of the sale and the price paid, with interest, together with remuneration for such outlays as may legitimately be attributed to the defendant's conduct. *Sigapes* v. *Porter*, 21 Sup. Ct. Rep. 34. See NOTES, p. 454.

TRUSTS — CHARITABLE BEQUEST — CY-PRES DOCTRINE. — The testator bequeathed money to his son for life, and in default of issue to a charitable institution. After the testator's death, and before the son's death without issue, the institution ceased to exist. *Held*, that the doctrine of *cy-pres* applies. *In re Solay*, 17 Times L. R. 118 (Ch. D.). See NOTES, p. 453.

REVIEWS.

BEVERLEY TOWN DOCUMENTS. Edited for the Selden Society by Arthur F. Leach. London: Bernard Quaritch. 1900. pp. lxii, 148.

This volume differs from the other publications of the Selden Society in that it contains few documents relating to legal history. The town records of Beverley are not of much importance for the study of legal procedure, because Beverley was a seignorial borough, and its lord, the Archbishop of York, had control of the municipal judiciary. The men of Beverley had a gild merchant and an elected body of twelve "Keepers," but not the right to hold their pleas in their own court or to elect their own bailiffs. The Keepers decided cases by arbitration, but the cognizance of pleas legally belonged to the court of the archbishop; and therefore we find no valuable plea rolls in the town archives. The Beverley Documents will, however, be cordially welcomed by students of economic and municipal history, for these muniments illustrate the development of borough government and the relations between the trade gilds and the

town in the fourteenth, fifteenth, and sixteenth centuries. There are many features of mediæval gild life that will remain obscure until more craft ordinances are published. One of these obscure points is the early status of the weavers and tanners, with which Mr. Leach deals, but on which he does not throw new light, though we are thankful for the early version of their laws printed in his Appendix.

Among the interesting problems that this volume will help to elucidate is the meaning of the term *communitas* in town records. It is clear that in Beverley, as in many other boroughs, the "community" was the town corporation, the aggregate of the "burgesses," and not, as Mrs. Green contends, a corporate body distinct from those who governed the town.

Mr. Leach's editorial work deserves high commendation, and his translations of the Latin documents are excellent. C. G.

A TREATISE ON THE LAW OF EMINENT DOMAIN IN THE UNITED STATES. By John Lewis. Second edition. Chicago: Callaghan & Co. 1900. 2 vols. pp. cclix, 1555.

The first edition of this work appeared in 1888 and at once found a ready acceptance, as a satisfactory treatise on the subject of eminent domain was then lacking. The hold that Mr. Lewis's book obtained on the legal profession was permanent, and though other books on the subject have since appeared it has done much to shape the law of eminent domain as it now stands. But the amount of litigation on this subject of recent years has been very great, and while it has largely proceeded along the lines indicated in the former edition, many new points have been developed. These, together with an amplification of former material, have caused the addition of one hundred and ninety-two sections. This new matter is particularly noticeable in the chapters treating of "Roads and Streets," "What may be Taken," and "Compensation." The number of cases cited has also been more than doubled; the author's avowed object being to make the collection of authorities exhaustive. These citations are not restricted to cases decided in the United States, but over three hundred English and Canadian cases are included.

Perhaps the chief criticism that can be made of Mr. Lewis's valuable book might be that it is too comprehensive. The author has not restricted himself to his subject as closely as may be thought desirable. He discusses at considerable length many points in such topics as the law of waters, evidence, and damages, though their connection with his primary subject is not so close but that they are as fully, and more appropriately, treated in the text-books on these respective branches of the law. Further, the author has adopted the common method of quoting at great length from cases. This no doubt makes a so-called text-book easier of production, but at the same time lessens its value as an authority. In consequence of these two causes the book is larger than the nature of the subject would seem to warrant. A certain breadth of treatment also appears lacking in Mr. Lewis's discussion of grave constitutional questions. The absence of any consideration of these in the light of their historical development is noticeable. Consequently one does not feel entire confidence in his conclusions on some points. He adopts the prevalent opinion that the question of "public use" is for the judiciary, and with that as a premise concludes that the phrase "public